



STATE OF WASHINGTON
APPLICATION TO ENTER A WATER RIGHT INTO
THE TRUST WATER RIGHT PROGRAM



NOTE: THIS FORM IS ONLY TO BE USED FOR THE
ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease
☐ Purchase
☒ Donation
☒ Other

Explain: Application relates to the Intent of the Applicant
as set forth on page 4, Section III.C.1. of the
Kittitas County Water Conservancy Board's
"Report of Examination," dated October 17,
2006

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____
END DATE ____/____/____

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information:

APPLICANT/BUSINESS NAME COL SOLARE LLP	PHONE NO. (509) 875-2061	FAX NO. (509) 875-2568
ADDRESS COLUMBIA CREST DRIVE, P.O. BOX 231		
CITY PATERSON	STATE WA	ZIP CODE 99345-0231

CONTACT NAME (IF DIFFERENT FROM ABOVE) STEVEN E. JOHNSON	PHONE NO. (509) 875-2061 Ext. 4218	FAX NO. (509) 875-2568
ADDRESS COLUMBIA CREST DRIVE, P.O. BOX 231		
CITY PATERSON	STATE WA	ZIP CODE 99345

2. Water Right Information:

WATER RIGHT A PORTION OF ACQUAVELLA COURT WATER RIGHT CLAIM NO. 00169 (CONFIRMED BY CONDITIONAL FINAL ORDER ("CFO") OF THE COURT) APPROVED FOR CHANGE BY DECISION LETTER OF DEPARTMENT OF ECOLOGY TO STEVE JOHNSON, COL SOLARE, LLP, DATED JANUARY 5, 2007.	RECORDED NAME(S) IN ACQUAVELLA, THE CFO LISTS "OLSON DITCH." RIGHT SUBSEQUENTLY DIVIDED AND THEREAFTER STATED AS OWNED BY TEANAWAY RIDGE LLP. SEE ACQUAVELLA COURT ORDER "DIVIDING WATER RIGHT AND JOINING ADDITIONAL PARTY DEFENDANT," DATED AUGUST 29, 2006. APPLICANT, COL SOLARE LLP, THEREAFTER BECAME OWNER OF A PORTION OF THE DIVIDED RIGHT OF TEANAWAY RIDGE LLP AND CONTINUES TO OWN SAID PORTION AS OF THE DATE OF THIS APPLICATION.
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: THE ELEMENT OF THE ABOVE-NOTED APPLICANT-OWNED RIGHT THAT IS THE SUBJECT OF THIS APPLICATION IS THE "INSTREAM FLOW" ELEMENT SET FORTH ON PAGE 8, SECTION V.A.1.b., OF REPORT OF EXAMINATION ("ROE") OF KITTITAS COUNTY WATER CONSERVANCY BOARD PERTAINING TO BOARD NUMBER KITT-06-10, DATED OCTOBER 17, 2006 (AS THEREAFTER MODIFIED BY THE AFORENOTED WASHINGTON STATE DEPARTMENT OF ECOLOGY DECISION LETTER TO STEVE JOHNSON, COL SOLARE LLP, DATED JANUARY 5, 2007). SEE PAGE 8, ATTACHED HERETO.	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES, AS NOTED <input type="checkbox"/> NO NOTE: METERING BEGAN THIS SPRING (OF 2007) AT THE RIGHT'S POINTS OF WITHDRAWAL ADJACENT TO YAKIMA RIVER IN THE RED MOUNTAIN AREA OF BENTON COUNTY. PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS SEE AFORENOTED ROE AT PAGE 5, SECTION IIID.	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right
was established. Also, if you have a water system plan or conservation plan, please include a copy with your
application.

2 **CS4-00169CTCL@4** FOR OFFICE USE ONLY

WATER RIGHT NO. _____ FILE (contract) NO. _____

3. How is Water to be Made Available for Trust?

<input type="checkbox"/> Alteration in method of diversion	<input type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input checked="" type="checkbox"/> Other, Explain below:
BY APPLICATION TO PLACE EXISTING INSTREAM FLOW USE ELEMENT OF THE APPLICANT-OWNED RIGHT INTO TRUST PROGRAM	
FOR A PERIOD OF TIME AS SET FORTH IN SECTION 7, INFRA.	
Name of funding source(s):N/A	

WATER RIGHT DESCRIP!!ION *

4. Point(s) of Diversion/Withdrawal: N/A

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE ELEMENTS	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
(1) IRRIGATION OF 192 ACRES up to	2.20 CFS and	250.8	APRIL 1 THROUGH OCTOBER 31
And			
(2) IRRIGATION FLOW USE up to	2.20	250.8	APRIL 1 THROUGH OCTOBER 31

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
THE PURPOSE OF USE IS THE INSTREAM FLOW USE ELEMENT AS DESCRIBED IN SECTION 5.A(2).	ACRE-FEET/YR
	250.80

6. Place of Use:

A. Existing:

LEGAL DESCRIP!!ION OF LANDS WHERE WATER IS PRESENTLY USED:							
INSTREAM FLOW USE ELEMENT CONFIRMED AS DESCRIBED IN SECTION 2. (THAT ELEMENT RELATES TO A REACH OF THE YAKIMA RIVER BEGINNING IN THE NE¼ OF NW¼ OF SE¼, SECTION 12, T. 18 N., R 19 E.W.M. IN KITTITAS COUNTY AND ENDING APPROXIMATELY ¾ MILES DOWNSTREAM FROM BENTON CITY BRIDGE OVER THE RIVER IN BENTON COUNTY).							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							
STATE OF WASHINGTON, AS OWNER OF THE BED OF SAID REACH OF A NAVIGABLE STREAM, I.E., THE YAKIMA RIVER (EXCEPT AS TO A PORTION OF SAID REACH WHERE THE BED MAY BE OWNED EITHER BY THE UNITED STATES OR THE YAKAMA INDIAN NATION, OR BOTH, AS THE RIVER FLOWS THROUGH THE YAKIMA INDIAN RESERVATION).							

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
SEE 6.A. – DESCRIPTION OF REACH TO WHICH THE INSTREAM FLOW RIGHT'S ELEMENT PERTAINS.

7. Remarks and Other Relevant Information:



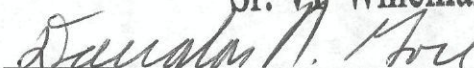

THE INSTREAM FLOW RIGHT IS REQUESTED TO BE ENTERED INTO THE TRUST WATER RIGHT PROGRAM FOR A PERIOD OF TIME DETERMINED BY THE FOLLOWING CONDITION. THE RIGHT MAY BE WITHDRAWN BY THE OWNER OF THE RIGHT, OR ANY PORTION THEREOF, FROM THE PROGRAM IF THE IRRIGATION USE ELEMENT OF SAID RIGHT, OR A PORTION THEREOF, IS PROPOSED BY THE OWNER OF THAT ELEMENT, OR A PORTION THEREOF, FOR CHANGE OR TRANSFER AS TO THE RIGHT'S GEOGRAPHIC AREA OF POINT(S) OF WITHDRAWAL. THE EFFECTIVE DATE OF THE WITHDRAWAL OF A RIGHT FROM THE PROGRAM SHALL BE THE DATE THE DEPARTMENT OF ECOLOGY RECEIVED A WRITTEN NOTIFICATION, SIGNED BY THE OWNER OF THE RIGHT, OR A PORTION THEREOF.

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. **It is noted that the Applicant foresees selling a portion or all of the right, both irrigation and in-stream elements, in the future whereupon such notification to the Department of Revenue will be instituted.**

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

 COL SOLARE LLP (Applicant)	 Sr. VP Winemaking & Vineyards	<u>7/31/07</u> (Date)
 COL SOLARE LLP (Water Right Holder)		<u>7/31/07</u> (Date)
 N/A SEE ANSWER TO SECTION 6a, SUPRA; further note applicant is sole owner of the water right element that is the subject of the application. (Land Owner(s) of Right Elements Existing Place of Use)		<u>7/31/07</u> (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):	
<input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED	<input type="checkbox"/> SECTION _____ IS INCOMPLETE
<input type="checkbox"/> OTHER/EXPLANATION: _____	
STAFF: _____ DATE: ____/____/____	

- i. Install a temporary stilling well with minimum 1-inch inside diameter inside the casing to permit accurate observation of groundwater levels during testing.
- j. Conduct a short-term (up to 4-hour) step-rate pumping test and a 24-hour pumping test on each well. Each test will require a period of well recovery before and after the test to allow groundwater levels to equilibrate.
- k. Remove the pumping test equipment.
- l. Prepare a surface seal and a secure wellhead.

- (8) An approved measuring device is required to be installed and maintained for each diversion/withdrawal of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Meter readings shall be recorded at least monthly and shall be made available to the Department of Ecology upon request. Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
 - (9) Department of Ecology personnel, upon presentation of property credentials, shall have access at reasonable times to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
 - (10) This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
 - (11) The applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. However, if Ecology does not act on a board's recommendation within the time frame established in RCW 90.80.080, the applicant is allowed to initiate the water right change pursuant to the board's record of decision after that period of time has expired. In this regard, it is advised that the applicant not so initiate until the 30-day appeal period following Ecology's decision, whether by action or inaction, has run. See WAC 173-153-180.
- DOE
mod
subd
a
- (12)
and
(13)
- b. As to an instream flow use pertaining to a reach of the Yakima River, it begins at the aforementioned point of diversion within Kittitas County, see Existing Right description on page 1, supra, and ends at the aforementioned points of withdrawal within Benton County in the amounts of up to 2.20 cfs and up to 250.8 afy, pro-rated as set forth in Appendix C, Col Solare Column, from April 1 through October 31 of each year.

2. Element 1 – see Section III.A.2.a., supra.

- a. As to its irrigation use, the provisions are the same as set forth in Section V.A.1.a., supra.
- b. As to the downstream flow portion within Reecer Creek and Yakima River to the points of withdrawal near Red Mountain in Benton County derived from water conveyed to Reecer Creek through the Olson Ditch and associated ditch, said portion is transported through the mediums of Reecer Creek and thereafter the Yakima River.
- c. During any period of exercise of the right changed as provided in this Element 1 above, the right's Yakima River point of diversion remains unchanged.
- d. During any period of exercise of the right changed as provided in this Element 1 above, the Water Management Agreement as set forth in Appendix Q shall be in effect.
- e. The right shall be exercised in accordance with the changes set forth in this Element 1 unless due to any cause or reason whatsoever (except as provided in the last sentence of this subsection d.), water is not diverted at the Olson Ditch's point of diversion and thereafter conveyed and transported as described in the immediately preceding subsection b. in the amount provided in subsection a. in which case water shall be provided pursuant to the exercise of the right, i.e., by withdrawal, approved for change as described in Element 2 of this section. The lack of water within the Yakima River physically available for diversion at the Olson Ditch point of diversion due solely to senior priority water rights entitlements that encompass said flow of the river is not a "cause or reason" within the meaning of the preceding sentence.

B. As to the condition of the TRL retained irrigation use portion of the right owned by TRL, i.e., the portion not changed as described in this Section V.A.1. and 2., that retained portion's condition is determined to be as follows:

- 1. Place of use remains unchanged; however the acres authorized for irrigation is reduced to 39.6 acres which may be irrigated in said place of use from the Olson Ditch;
- 2. Point of diversion remains unchanged;